

**REMARKS**

**Status of Claims**

Claims 1, 2, 9, 10 and 11 are rejected for non-statutory obviousness type double patenting.

Claims 1, 9, 18, 19 and 22 are rejected for indefiniteness under 35 USC 112 second paragraph.

Claims 1-5, 7, 10, 20 and 21 have been rejected under 35USC102(b) for lack of novelty over Olkkonen.

Claims 8 and 14 have been rejected under 35USC103(a) for obviousness over Olkkonen in view of well known prior art.

Claim 9 is rejected under 35USC103(a) over Olkkonen in view of Brent.

Claims 11 to 13, 15, 19 and 22 are rejected under 35USC103(a) over Olkkonen in view of Brent in view of well known prior art.

Claims 17 and 18 are rejected under 35USC103(a) over Olkkonen in view of Li.

Claim 23 is rejected under 35USC103(a) over Olkkonen in view of Li in view of well known prior art.

Claim 24 is rejected under 35USC103(a) over Olkkonen in view of Yasuda.

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The Examiner has objected to claim 16 as being dependent on a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form and with the 35USC112 rejections addressed.

Double-patenting

A terminal disclaimer is enclosed so as to address the double-patenting rejection.

Claim 1

Amended claim 1 is a combination of previous claims 1 and 9 amended for clarity, to address the indefiniteness rejections, and to clearly distinguish over the cited art.

Amended claim 1 requires “encoding a first speech packet by encoding at least a portion of the header and the set of Class I bits using a respective convolutional code or block code; encoding a second speech packet by encoding at least a portion of the header using a block code or convolutional code and the set of Class I bits using a block code; not using a convolutional code or block code to encode the Class II bits”. Support for amended claim 1 is provided by e.g. Figures 8(a), 8(b), 8(c) and associated text of the present application.

These above-mentioned features are not taught or suggested by Olkkonen in view of Brenth, nor any other of the cited art or combination thereof. For example, Brent instead merely relates to a method for directly converting encoded speech frames but does not disclose or teach the above-mentioned features.

Claims 2 to 5, 7 to 8

Claims 2 to 5, 7 to 8 are patentable not least on the basis that they each depend on an allowable independent claim 1.

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Claim 9

Claim 9 is canceled.

Claims 10 to 24

The dependency of claim 11 has been updated.

Clarifying amendments have been made to claims 18 and 19.

The wording objection to claim 22 is moot in view of the amendment to claim 1.

Claims 10 to 24 are patentable not least on the basis that they each depend on an allowable independent claim 1.

Claim 25

New claim 25 has been added being a combination of claims 1, 2, 9, 15 and 16 in clarified form. This claim is broadly in accordance with the Examiner's indication as to allowable subject matter as it is distinguished over Olkkonen by, amongst other features, the feature of "the last  $n$  bits of the first sequential set of Class I bits are removed prior to encoding, wherein the  $n$  bits correspond to  $n$  zero bits provided for an encoder with a constraint length of  $n + 1$ ".


Claim 25 is further distinguished over the cited art for the reasons laid out in respect of amended claim 1 above.

**Conclusion**

In view of the foregoing, allowance of all the claims presently in the application is respectfully requested, as is passage to issuance of the application. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact Applicants' undersigned attorney at 973 386 3147.

Respectfully,

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By   
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Att.  
Terminal Disclaimer

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